

## **AMENDMENTS TO THE CLAIMS**

Please replace all prior versions and listings of claims in the application with the listing of claims as follows:

### **Listing of Claims**

1. (Previously Presented) A computerized apparatus for managing risk associated with earnings estimates for a company, the apparatus comprising:

a computer server comprising a processor and a digital storage and accessible with a system access device via a communications network; and

executable software stored on the computer server and executable on demand, the executable software operative with the processor to cause the computer server to:

receive into the digital storage data descriptive of multiple earnings estimates, each earnings estimate generated by a respective bank;

receive into the digital storage data indicative of one or more business relationships comprising a bank and the company;

generate a first consensus estimate excluding earnings estimates received from the bank with the data indicative of one or more business relationships with the company;

transmit, to the bank, data comprising a message that the bank's earnings estimate is excluded from the first consensus estimate; and

generate a suggested action based upon the first consensus estimate.

2. (Original) The computerized apparatus of claim 1 wherein the executable software is additionally operative with the processor to cause the computer server to:

generate a second consensus estimate based upon the earnings estimates received, including the earnings estimates received from the bank with the data indicative of one or more business relationships with the company; and

generate the suggested action based upon the first consensus estimate and the second consensus estimate.

3. (Original) The computerized apparatus of claim 1 wherein the executable software is additionally operative with the processor to cause the computer server to:

generate a marker to correlate with the existence of data indicative of one or more business relationships comprising the bank and the company.

4. (Previously Presented) The computerized apparatus of claim 1 wherein the executable software is additionally operative with the processor to cause the computer server to:

receive a request data relating to a business relationship between the bank and the company.

5. (Original) The computerized apparatus of claim 1 wherein the suggested action comprises acquiring a security instrument for the company.

6. (Original) The computerized apparatus of claim 1 wherein the suggested action comprises acquiring a derivative which will be profitable if a price of a stock for the company declines within a predetermined period.

7. (Original) The computerized apparatus of claim 1 wherein the suggested action comprises acquiring a derivative which will be profitable if a price of a stock for the company increases within a predetermined period.

8. (Original) The computerized apparatus of claim 6 or 7 wherein the predetermined period comprises 30 days following an announcement of company earnings.

9. (Original) The computerized apparatus of claim 1 wherein the executable software is additionally operative with the processor to cause the computer server to:

receive updated information relating to the one or more business relationships and generate a modified suggested action based upon the updated information.

10. (Canceled)

11. (Original) The computerized apparatus of claim 1 wherein the executable software is additionally operative with the processor to cause the computer server to transmit data comprising a reason for the exclusion of the earnings estimate from the consensus estimate.

12. (Currently Amended) A processor-implemented method for managing risk associated with earnings estimates for a company, the method comprising:

receiving digital data descriptive of multiple earnings estimates into a computer storage;

receiving digital data descriptive of one or more indications of a bank conducting business with the company into a computer storage;

generating via a processor a first consensus estimate based upon the digital data descriptive of the multiple earnings estimates received and comprising the data descriptive of an earnings estimate generated by the bank conducting business with the company;

generating a second consensus estimate based upon the digital data descriptive of the multiple earnings estimates received and excluding the data descriptive of earnings estimates generated by the bank conducting business with the company;

transmitting, to the bank, data comprising a message that the bank's earnings estimate is excluded from the first consensus estimate; and

generating an indication in human readable form of a suggested action based upon the first consensus estimate and the second consensus estimate.

13. (Currently Amended) The processor-implemented method of claim 12 additionally comprising the step of:

generating digital data indicative of a business relationship between a bank and the company.

14. (Currently Amended) The processor-implemented method of claim 13 additionally comprising the step of receiving a request for data descriptive of the business conducted comprising the bank and the company.

15. (Currently Amended) The processor-implemented method of claim 12 wherein the suggested action comprises acquiring a security for the company.

16. (Currently Amended) The processor-implemented method of claim 12 wherein the suggested action comprises acquiring a derivative which will be profitable if a price of a stock for the company declines within a predetermined period.

17. (Currently Amended) The processor-implemented method of claim 12 wherein the suggested action comprises acquiring a derivative which will be profitable if a price of a stock for the company increases within a predetermined period.

18. (Currently Amended) The processor-implemented method of claim 16 or 17 wherein the predetermined period comprises days following an announcement of company earnings.

19. (Currently Amended) The processor-implemented method of claim 12 additionally comprising generating digital data comprising a message that the earnings estimate generated by the bank will be excluded from the calculation of the second consensus estimate and a reason for the exclusion.

20. (Currently Amended) Computer executable program code residing on a computer-readable medium, the program code comprising instructions for causing the computer to:

receive multiple earnings estimates related to a company;

receive one or more indications of a bank conducting business with the company;

generate via a processor a first consensus estimate based upon the earnings estimates received;

generate a second consensus estimate based upon the earnings estimates received, but excluding an earnings estimate received from the bank conducting business with the company;

transmit, to the bank, data comprising a message that the bank's earnings estimate is excluded from the first consensus estimate; and

generate a suggested action based upon the first consensus estimate and the second consensus estimate.

21-22. (Canceled)

23. (Previously Presented) The apparatus of claim 1, wherein the earnings estimates received from the bank are excluded based on the bank being involved in a threshold amount of business with the company.

24. (Previously Presented) The apparatus of claim 1, wherein the earnings estimates received from the bank are excluded based on the bank being involved over a threshold amount of time in a business relationship with the company.

25. (New) The processor-implemented method of claim 12, further comprising processor-execution of the action indicated by the human readable suggested action indication.

26. (New) The processor-implemented method of claim 15, further comprising computer-implemented acquisition of a security for the company according to the suggested action indication.

27. (New) The processor-implemented method of claim 16, further comprising computer-implemented acquisition of a derivative based on the suggested action indication.
  
28. (New) The processor-implemented method of claim 17, further comprising computer-implemented acquisition of a derivative based on the suggested action indication.